



Entered on Docket
September 27, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs
Of Claim Based Entirely Upon Investment
In The Del Valle Livingston Loan; Except
for Claim of Donald Redmon, and Notice
of Status Hearing as to Donald Redmon
Only**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m..

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Del Valle Livingston Loan," ("Del Valle Livingston Loan") [DE 8534] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; an informal response having been received from Jaylyle Redmon on behalf of Donald

1 Redmond; no other responses to the Objection having been filed; the Court noting on the
 2 record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct
 3 lenders' right to repayment by the borrower or from the collateral securing the Del Valle
 4 Livingston Loan; and good cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8534], except for Claim of Donald Redmon is sustained;
 7 2. The claims listed on **Exhibit A** attached, except for Claim of Donald
 8 Redmon are disallowed in full because those claims are based entirely upon an investment
 9 in the Del Valle Livingston Loan;

10 3. Donald Redmon Proof of Claim No. 10725-00482 is hereby set for a Status
 11 Hearing on September 30, 2011 at 9:30 a.m.; and.

12 4. Failure of Donald Redmon to appear at the Status Hearing will be deemed
 13 withdrawal of the response.

14
 15
 16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (AZ #018024)

19 Robert M. Charles, Jr.

20 John Hinderaker (*pro hac vice*)

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25
 26 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 _____ No party appeared at the hearing or filed an objection to the motion.
910 XXX I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:16 Counsel appearing: _____
1718 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
19 copy of this order with the motion pursuant to LR 9014(g), and that
20 no party has objected to the form or content of the order
21

| | |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| U.S. Trustee: _____ | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: <u>Donald and Jaylyle Redmon</u> | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input checked="" type="checkbox"/> failed to respond to the document |

22 s/Donald Redmon

23 51 Sanlo Lane

24 Mountain Home AR 72635

25 Submitted by:

26 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)

Attorneys for USACM Liquidating Trust

USACM Trust
Del Valle - Livingston Loan
Single Loan Claims

| Claim | Date Claim was Filed | Name | Address | Total Claim Amount Relating to the Del Valle - Livingston Loan | Approximate Amount Subject to Objection Because it Relates to an Investment In the Del Valle - Livingston Loan |
|-------------|----------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 10725-00593 | 10/16/2006 | Kantor Family Trust Dated 5/6/82 | C/O Ronald A & Ruth E Kantor Ttees 1921 N Beverly Dr Beverly Hills, CA 90210-1612 | 369.00 | 369.00 |
| 10725-01771 | 12/13/2006 | Larson, Gary & Dolores | 544 Rolling Hills Dr Mesquite, NV 89027 | 51,463.00 | 51,463.00 |
| 10725-02358 | 1/16/2007 | Linda S Reed IRA | First Savings Bank Custodian For Linda Reed 968 Gresham Road Cadiz, KY 42211 | 156,207.34 | 78,103.67 |
| 10725-00703 | 10/24/2006 | M L & Pauline Smith Family Living Trust | C/O M L & Pauline Smith Trustees 3108 N Minersville Hwy Cedar City, UT 84720-5407 | 3,080.05 | 3,080.05 |
| 10725-00870 | 11/1/2006 | Marston, John M & Linda S | 12441 Road 44 Mancos, CO 81328 | 52,298.62 | 52,298.62 |
| 10725-01379 | 11/13/2006 | Payne, Shirley | Po Box 208 Grass Valley, CA 95945 | 100,000.00 | 100,000.00 |
| 10728-00130 | 11/17/2006 | RDJ Investments | Richard Anderson Manager 7417 Oak Grove Las Vegas, NV 89117 | 200,000.00 | 200,000.00 |
| 10725-00472 | 10/6/2006 | Redmen, Donald | 51 Sample Ln Mountain Home, AR 72635 | 50,824.65 | 50,824.65 |
| 10725-02564 | 6/25/2007 | Retirement Accounts Inc CFBO Judd Robbins IRA | C/O Bradley Paul Elley, Esq. 120 Country Club Dr, Ste 5 Incline Village, NV 89451 | 25,000.00 | 25,000.00 |
| 10728-00131 | 11/17/2006 | Richard N Anderson Seperate Property Trust | Richard N Anderson Tee 7417 Oak Grove Las Vegas, NV 89117 | 200,000.00 | 200,000.00 |

EXHIBIT A